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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,273	12/02/2003	Michael A. Czayka	200047.00161	3388

21324 7590 12/06/2007

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EXAMINER	
YOON, TAE H	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
12/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@hahnlaw.com
akron-docket@hotmail.com

Office Action Summary	Application No.	Applicant(s)	
	10/726,273	CZAYKA ET AL.	
	Examiner	Art Unit	
	Tae H. Yoon	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *25 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-4,10-14 and 19-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-4,10-14 and 19-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mitani et al (US 4,327,145).

Rejection is maintaind for reason of record with following response.

Again, with respect to "consisting essentially of" in claims, the recitation of "consisting essentially of" alone cannot overcome the rejection based on the art reciting "comprising". See ***In re De Lajarte***, 337 F2d 870, 143 USPQ 256 (CCPA, 1964); When applicant contends that modifying components in the reference composition are excluded by the recitation of "consisting essentially of", applicant has the burden of showing the basic and novel characteristics of his composition – i.e. a showing that the introduction of these components would materially change characteristics of applicant's invention.

General statement alone in specification does not overcome the rejection without actual showing(s). Besides, any limitation such as without thickening agent of

specification is not claimed limitation. Applicant asserts that isocyanate is undesirable due to health concern, but the properties discussed in specification are directed to good shelf life and viscosity control and thickening (page 12). Furthermore, the instant claim 26 recites various additives, and thus, applicant's assertion that said isocyanate is excluded (even thought other additives are included in the instant invention) has little probative value.

Claims 19-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Parker, Jr. (US 3,429,950).

Rejection is maintained for reason of record with following response.

Contrary to applicant's assertion, omission of "quinine modifier" is not needed in Parker, Jr. Again, with respect to "consisting essentially of" in claims, the recitation of "consisting essentially of" alone cannot overcome the rejection based on the art reciting "comprising". See ***In re De Lajarte***, 337 F2d 870, 143 USPQ 256 (CCPA, 1964); When applicant contends that modifying components in the reference composition are excluded by the recitation of "consisting essentially of", applicant has the burden of showing the basic and novel characteristics of his composition – i.e. a showing that the introduction of these components would materially change characteristics of applicant's invention.

General statement alone in specification does not overcome the rejection without actual showing(s). Besides, any limitation such as without thickening agent of specification is not claimed limitation. Furthermore, the instant claim 26 recites various

additives, and thus, applicant's assertion that said "quinine modifier" is excluded (even thought other additives are included in the instant invention) has little probative value.

Claims 19-26 are rejected under 35 U.S.C. 103(a) as obvious over Parker, Jr. (US 3,429,950) in view of Parker, Jr. (US 3,300,544), JP 54120675 A or JP401251791 A.

Rejection is maintained for reason of record with above response under Parker, Jr. (US 3,429,950).

Again, contrary to applicant's assertion, omission of any component is not needed in Parker, Jr., and applicant failed to show otherwise.

Claims 2-4, 10-14 and 19-30 are rejected under 35 U.S.C. 103(a) as obvious over Mitani et al (US 4,327,145) or Parker, Jr. (US 3,429,950) in view of Mathur et al (US 6,063,864) or Lane et al (US 5,985,785) or JP 54120675 A.

Rejection is maintained for reason of record with above response under Parker, Jr. (US 3,429,950) and Mitani et al (US 4,327,145).

Again, contrary to applicant's assertion, omission of any component is not needed in Mitani et al and Parker, Jr., and applicant failed to show otherwise. Furthermore, the instant claims 10 and 26 recite various additives, and thus, applicant's assertion that additional component of Mitani et al and Parker, Jr. is excluded (even thought other additives are included in the instant invention) has little probative value.

Contrary to applicant's assertion, JP teaches the use of irradiation in parital curing (crosslinking) of polyester to B-stage in abstract. Furthermore, JP is recited to show the art well known electron beam source, not for a composition, and ane et al teach that one can adjust dosage conditions at bottom of col. 8..

Mitani et al and Parker, Jr. teach partially crosslinked B-stage polyesters, and thus use of well known electron beam sources of secondary references in partial curing of the composition (or further curing thereof) taught by Mitani et al or Parker, Jr. would be a *prima facie* obviousness since one would know how to adjust the dosage of irradiation in order to obtain a partially cured polyester absent showing otherwise.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tae H Yoon
Primary Examiner
Art Unit 1796

THY/November 29, 2007

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
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√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	+	Restricted	I	Interference	O	Objected

Claim		Date
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Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination
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SEARCHED			
Class	Subclass	Date	Examiner
523	500	8-8-06	[illegible]
522	104		
[illegible]		11/27/07	[illegible]

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
EAST Inventor Search	8-8-06	[illegible]
EAST	2/3/07	[illegible]
EAST	7/16/07	[illegible]